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April 17, 2014

Hon. Judge Edgardo Ramos
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Restis et al. v. American Coalition Against a Nuclear Iran et al., No. 13-cv-5032 (ER)*

Dear Judge Ramos:

On March 10, 2014 the U.S. Attorney's Office wrote the Court and asked for 21 days to submit a filing to address any interest it had in this case. Then, on April 2, 2014, it asked for two additional weeks. Now, in today's letter, it has asked for 30 more days and has also asked that the case be stayed in that period. Plaintiffs must oppose this request.

As the Government ponders its interest or what impact its interest might have on this case, Defendants continue to hide behind a not-yet-asserted privilege to avoid providing a great deal of discovery. See Dkt. 104 (Plaintiffs' motion to compel production of documents from Defendants). In addition, we have written in our March 13, 2014 and April 14, 2014 letters regarding our concerns that the requirements for Defendants or the Government to assert any privilege (let alone now to seek a stay) have not been met. The Government (FN 1) offers to tell the Court more even now if it is allowed an *ex parte* submission. Plaintiffs' prior letters point out Court opinions emphasizing the imperative for public litigation, the strong reluctance to allow private submissions, and the requirements of a certain amount of public information before any *ex parte* filing is allowed.

Under these circumstances, Plaintiffs ask the Court to hold a hearing before the Court grants the Government's request. Such a hearing can clarify the types of privileges being considered, why any such privilege would affect more than a handful of potential documents, the public filings that are required before any *ex parte* filings are received, the amount of material that is involved, and how this further delay impacts discovery in this case (*e.g.*, it creates a logjam to the production of documents, which prevents depositions, which prevents the selection and preparation of experts, which affects the entire schedule). The Government contends there is no prejudice caused by their requests and delays. They are wrong – Plaintiff have been trying to move the case along, Defendants use the Government to avoid this result and then blame Plaintiffs for the case not moving, and the Court's schedule for the case is now impossible to meet.

Undersigned counsel can be free for a telephonic conference virtually any time this or next week and could appear in court starting late morning on April 25, 2014.

Respectfully,

/s/ Abbe David Lowell

Abbe David Lowell